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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,445	12/30/2003	Allan Morris Goldberg	8448.10P	2372

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EXAMINER

VON BUHR, MARIA N

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,445

Applicant(s)

GOLDBERG ET AL.

Examiner

Maria N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/03, 4/19/04, 6/1/04 & 7/22/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16-31 is/are rejected.
- 7) ☒ Claim(s) 5-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04192004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31 are pending in this application.
2. Applicant's claim for domestic priority under 35 U.S.C. §119(e) is acknowledged.
3. Examiner acknowledges receipt of Applicant's information disclosure statement, received 19 April 2004. This submission is in compliance with the provisions of 37 CFR §1.97. Accordingly, it has been taken into consideration for this Office action.
4. Examiner acknowledges receipt of Applicant's formal drawings. These drawings are acceptable.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by Applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by Applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 16, 17, 19, 20, 23 and 25 are rejected under 35 U.S.C. §102(b), as being clearly anticipated by Mylne, III (U.S. Patent No. 4,852,051; newly cited), in combination with Kendall et al. (U.S. Patent No. 4,165,532; newly cited), incorporated by Mylne, III.

Mylne, III discloses "a simplified solid state controller for flexible use in controlling many individual watering stations that make up an automatic irrigation system. The operator input panel provides switches the operator can use to initiate a number of parameterization logic sequences for the controller system. Through the input panel, the operator can cause the stored information data to be displayed and to be selectively advanced to a new desired value on a step-by-step basis. When the newly displayed value equals the value desired by the operator, the operator signals the logic of the controller through the input panel and the current, stored value is updated to the displayed value. Once entered, the signals are stored in memory and acted upon automatically at the times specified to activate various individual irrigation valves at the times, and on the days, and for the duration, so stored" (abstract). The controller 18 of Mylne, III (analogous to the instantly claimed "computer") communicates with a computer 12, including a clock 14 and memory (ROM/RAM) of Kendall et al. (analogous to the instantly

claimed "field controller including a clock, a microprocessor and a memory"), in order to receive watering schedules and run time settings for water valves, to control the water valves (see at least, Fig. 1, with associated text; col. 1, lines 14-30 and 48-55; col. 1, line 65 - col. 2, line 21; col. 2, lines 41-62; and col. 4, lines 26-38 of Mylne, III; and Fig. 1, with associated text, of Kendall et al.). Mylne, III further teaches that "a three dimensional graphic representation (matrix) of the operation of the integrated solid-state controller of the instant invention. In particular, the chart indicates the operation up to 12 stations (station number) for up to 14 days (day) with up to 6 start times (start time no.) per station per day. As shown in the chart on FIG. 3, a particular station, for example, station number 2 can be rendered operative each day of the operating cycle of the controller, for example, 14 days. In addition this station can be rendered operative for up to 6 start times each day of the cycle. In this particular example, if the run time is set to be 30 minutes for 6 consecutive start times, station number 2 would be operative a total of three hours for any active day, therefore, a run time of approximately 30 minutes (more or less) on station number 2 can be turned on 6 times a day for 14 days wherein heavy watering can take place. In similar fashion station number 1 can be turned on twice, start times 1 and 4, on every other day, in this example the even numbered days" (see at least, Fig. 3, with associated text at col. 6, line 45 - col. 7, line 12).

As per claims 1-4, 16, 20 and 23, although Mylne, III provides for such a graphical representation of the watering schedule, with station indicia being located on the graph, Mylne, III does not specify display of this graphical representation to the user. In this regard, Mylne, III recognizes the well-known ability of providing a GUI (graphical user interface), for permitting graphical interaction with an operator of the system, by the disclosure of the GUI detailed in Fig. 1. In this regard, any well known design considerations would have motivated one having ordinary skill in the art to display the graphical representation of Fig. 3, instead of the GUI presented in Fig. 1, as a matter of routine choice, based upon criteria such as aesthetic appeal, display device size/shape in relation to cost, available space, energy usage criteria, etc.

As per claims 17 and 25, Mylne, III further teaches suspending/disabling of scheduled watering (see at least, col. 3, lines 32-40; col. 4, lines 3-8).

As per claim, 19, Mylne, III teaches an "enter" key (see at least, Fig. 1, with associated text).

7. Claims 27-31 are rejected under 35 U.S.C. §102(e), as being clearly anticipated by Sieminski (U.S. Patent No. 6,823,239; newly cited), which discloses an "Internet-enabled irrigation control. An irrigation controller is coupled to a wide area network, such as the Internet, via a wireless carrier network. The irrigation controller has a unique identifier which makes the irrigation controller addressable by an irrigation server located on the Internet. The irrigation controller is capable of stand-alone operation and

may be programmed by a user communicating with the irrigation controller using the irrigation server and the wireless carrier. The user may also send immediate commands to the irrigation controller such as rain shutdown commands. In addition, the irrigation controller may transmit status messages back to the irrigation server such irrigation station faults and excessive flow alarms. The irrigation server saves the status messages in a database for later retrieval by the user. In addition, the irrigation server may also transmit status and alarm messages to the user via email or by telephone" (abstract). See at least, Figs. 1 and 6-8, with associated text).

8. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18, 21, 22 and 26 are rejected under 35 U.S.C. §103(a), as being unpatentable over Mylne, III (U.S. Patent No. 4,852,051), in combination with Kendall et al. (U.S. Patent No. 4,165,532), incorporated by Mylne, III, as presented above with regard to claims 1 and 20, further in view of Sieminski (U.S. Patent No. 6,823,239), similarly as presented above with regard to claims 26-31. It would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to modify the system of Mylne, III to include such remote capabilities, since Sieminski teaches a resultant increased versatility and accessibility of the control system.

10. Claim 24 is rejected under 35 U.S.C. §103(a), as being unpatentable over Mylne, III (U.S. Patent No. 4,852,051), in combination with Kendall et al. (U.S. Patent No. 4,165,532), incorporated by Mylne, III, as presented above with regard to claims 1 and 20, further in view of Irvin (U.S. Patent No. 5,742,500; newly cited), which discloses a "pump station control system and method monitors and displays a time history of the operating parameters of a pump station. Sensed operating parameters are transmitted to an operator in real time and are stored at predetermined time intervals over a predetermined period of time. A real-time cost parameter of the system is calculated that provides a measure of the cost per throughput of the material being pumped. The system can be optimized for the cost parameter by controlling system variables such as pump speed in response to the level of fluid" (abstract). It would have been obvious, to one having ordinary skill in the art, at the time the instant invention was made, to utilize such cost calculations in the system of Mylne, III, since Irvin teaches the benefit of cost analysis, budgeting and financial savings.

11. Claims 5-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art of record, neither alone nor in combination, is deemed to fairly teach and/or suggest, the instantly claimed "selectably displayable list of indicia representing the water valves of said set, watering schedules of said water valves being placed on said time bands by dragging and dropping indicia from said list onto said time bands in the form of schedule boxes having an edge representative of the start of watering and a width representative of run time," when taken in combination with the other instantly claimed limitations of Applicant's invention.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR §1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for Examiner to consider the applicability of 35 U.S.C. §103(c) and potential 35 U.S.C. §102(e), (f) or (g) prior art under 35 U.S.C. §103(a).

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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